IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 14946 of 2005

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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MAHAVIR INDUSTRIES - Petitioner(s)

Versus

STATE OF GUJARAT & 1 - Respondent(s)

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Appearance :

MR RM CHHAYA for Petitioner(s) : 1,
Mr. HM Prachhak, AGP for Respondent(s) : 1,
DS AFF.NOT FILED (N) for Respondent(s) : 1 - 2.

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 21/12/2005

ORAL JUDGMENT

In response to the notice of Rule issued by this Court, Shri Prachhak, learned AGP appears for the State and has submitted that in fact an order is already passed by the Deputy Collector, Stamp Duty Valuation, Ahmedabad, dated 23rd June/15th December

2000 under Section 32-A of the Bombay Stamp Act and he has produced on record a copy of the said order. Shri Chhaya, learned advocate appearing on behalf of the petitioner has submitted that he has never received the copy of the order passed by the Deputy Collector, Stamp Duty Valuation, Ahmedabad, dated 23rd June/15th December 2000 and for the first time he will be getting a copy of the said order from the learned AGP, Shri Prachhak. Be that it may, when a copy of the order dated 23rd June/15th December 2000 is given today to Shri Chhaya, he is required to challenge the said order. What is challenged in the present Special Civil Application is only the consequential action of issuing notice of recovery on the basis of the aforesaid order. At this stage, Shri Chhaya has submitted that he will be challenging the aforesaid order by way of substantive petition and therefore seeks permission to withdraw the present petition with a liberty to file a fresh petition to challenge the aforesaid order dated 23rd June/15th December 2000 under Section 32-A of the Bombay Stamp Act. Permission is accordingly granted. Petition is dismissed as withdrawn with the above liberty. Rule is discharged.

[M.R. Shah, J.]

rmr.